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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF:

Inventor : Mitchell R. Swartz

Serial no. 09/ 750, 480

Filed: 12/28/00

For: **METHOD AND APPARATUS  
TO MONITOR LOADING  
USING VIBRATION**

This is a continuation of Serial no. 07/371,937

Filed: 06/27/89

PAPER:  
Group Art Unit: 3641

Examiner: R. Palabrica

November 25, 2003

P.O. Box 1450  
Commissioner for Patents  
Alexandria, VA 22313-1450

REC  
DEC 0  
GRO

### Applicant's Response To The Communications Of 11/5/03

To Whom it Does Concern:

In response to the Office communication dated 11/5/03 (cover as Exhibit "A", attached), please use the enclosed amendment sheet which is now compliant with 37 CFR 1.121, changed 7/3/03. This response does supplement Applicant's previous response to the Office, dated October 22, 2003, and which was accompanied by Exhibits and Declarations.

Respectfully,

Mitchell R. Swartz, ScD, MD

November 25, 2003

## Certificate Of Mailing [37 CFR 1.8(a)]

To Whom it Does Concern:

I hereby certify that this correspondence will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to  
"P.O. Box 1450"

Commissioner for Patents

Alexandria, VA 22313-1450" on the date belo Thank you.

Sincerely,  
November 25, 2003

M.R. Swartz  
Weston, MA 02493



NOV 28 2003

## UNITED STATES PATENT AND TRADEMARK OFFICE

SC109  
PATENT & TRADEMARK OFFICE  
AUG 2003

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,480	12/28/2000	Mitchell R. Swartz		7970
7590	11/05/2003			
Mitchell R. Swartz, ScD, EE, MD 16 Pembroke Road Weston, MA 02493				
				EXAMINER PALABRICA, RICARDO J.
				ART UNIT 3641
				PAPER NUMBER

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

*Exhibit "A"*

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 10/24/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:  
 A. Amended paragraph(s) do not include markings.  
 B. New paragraph(s) should not be underlined.  
 C. Other \_\_\_\_\_

2. Abstract:  
 A. Not presented on a separate sheet. 37 CFR 1.72.  
 B. Other \_\_\_\_\_

3. Amendments to the drawings: \_\_\_\_\_

4. Amendments to the claims:  
 A. A complete listing of all of the claims is not present.  
 B. The listing of claims does not include the text of all claims (including withdrawn claims)  
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.  
 D. The claims of this amendment paper have not been presented in ascending numerical order.  
 E. Other: \_\_\_\_\_

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognitice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Eric V. Brown  
Legal Instruments Examiner (LIE)

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Telephone No.